

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

ERIC MITCHELL BLANTON,

*

Plaintiff,

*

CIVIL ACTION NO.: 2:16-cv-45

v.

*

JAN KENNEDY, et. al.,

*

Defendants.

*

ORDER

After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's May 20, 2016, Report and Recommendation, dkt. no. 6, to which objections have been filed.¹ Plaintiff objects to the classification of his previous lawsuits as "strikes" under the Prison Litigation Reform Act ("PLRA"). However, the Magistrate Judge's Report and Recommendation makes it clear that Plaintiff's lawsuits are strikes, and because Plaintiff is a "three-striker" under the PLRA, his suit is subject to dismissal without prejudice.

¹ Plaintiff files his Objections as part of his Notice of Appeal. Dkt. No. 10. Although Plaintiff's Notice of Appeal is improper, this Court will still consider the Objections attached to it as his Objections to the Report and Recommendation. See Perez-Priego v. Alachua Cty. Clerk of Ct., 148 F.3d 1272 (11th Cir. 1998) (finding that a Magistrate Judge's report and recommendation that has not yet been adopted by the District Court is not final and appealable).

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court and **OVERRULES** Plaintiff's Objections, dkt. no. 10. The Court **DISMISSES** Plaintiff's Complaint and **DENIES** Plaintiff leave to appeal *in forma pauperis*. The Clerk of Court is **DIRECTED** to enter the appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 11 day of July, 2016.

LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA